

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:19-cr-0056
)	
YOHANNA GONZALEZ-MCFARLANE,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is the Report and Recommendation (ECF No. 82) of the magistrate judge recommending that the Court accept Yohanna Gonzalez-McFarlane’s (“Gonzalez-McFarlane”) plea of guilty to Count One (1) of the Second Superseding Indictment, charging Transportation for Prostitution in violation of 18 U.S.C. § 2421-22; and Counts Fifteen (15), Sixteen (16), and Eighteen (18) of the Second Superseding Indictment, charging Gonzalez-McFarlane with Bringing Illegal Aliens to the United States for Financial Gain in violation of 8 U.S.C. §§ 1324(a)(2)(b)(ii) and 1324(a)(1)(A)(v)(II). (ECF No. 50.) For the reasons stated below, the Court will adopt the Report and Recommendation.

Pursuant to 28 U.S.C. § 636, “[w]ithin fourteen days after being served with a copy [of the Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). Here, neither party filed an objection within fourteen days of service of the Report and Recommendation. Therefore, “the scope of [the Court’s] review is far more limited and is conducted under the far more deferential standard of ‘plain error’.” *Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006) *aff’d*, 276 Fed. App’x 125 (3d Cir. 2008); *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (“While . . . [28 U.S.C. § 636(b)(1)] may not require, in the absence of objections, the district court to review the magistrate’s report before

accepting it, we believe that the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report.”).

After reviewing the record and the Report and Recommendation for clear error, the Court does not find plain error in any of the magistrate judge’s factual and legal findings. Therefore, pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Court finds that Defendant Gonzalez-McFarlane entered her guilty plea knowingly and voluntarily, and that there was a factual basis for the plea. The Court, therefore, will adopt the Report and Recommendation and find Gonzalez-McFarlane guilty as to Counts One, Fifteen, Sixteen, and Eighteen of the Second Superseding Indictment. Accordingly, it is hereby

ORDERED that the Report and Recommendation (ECF No. 82) is **ADOPTED**; it is further

ORDERED that Defendant Gonzalez-McFarlane’s plea of guilty as to Counts One, Fifteen, Sixteen, and Eighteen of the Second Superseding Indictment is **ACCEPTED**, and that Defendant Gonzalez-McFarlane is adjudged **GUILTY** on same counts; it is further

ORDERED that, pursuant to Fed. R. Crim. P. 32(c)(1)(A), the U.S. Probation Office shall conduct a presentence investigation for the preparation of a presentence report; it is further

ORDERED that the U.S. Probation Office shall disclose the preliminary presentence report to the parties no later than March 3, 2021; it is further

ORDERED that the parties shall submit any objections or corrections to the preliminary presentence report to the U.S. Probation Office no later than March 18, 2021; it is further

ORDERED that the U.S. Probation Office shall disclose the final presentence report to the parties and the Court no later than April 1, 2021; it is further

ORDERED that the parties shall file their sentencing memoranda no later than April 15, 2021; it is further

ORDERED that a sentencing hearing shall be held on Thursday, April 22, 2021, at 9:00 a.m. in St. Thomas Courtroom No. 1 before District Judge Robert A. Molloy.

Date: December 18, 2020

/s/ Robert A. Molloy
ROBERT A. MOLLOY
District Judge